

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Christine M. Schwagerl; and Roark E.
Schwagerl, a/k/a Edward Roark
Schwagerl,

Civil No. 11-3578 (DWF/JJK)

Plaintiffs,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Federal National Mortgage Association;
Saxon Mortgage Services, Inc.; and
Mortgage Source, Inc.,

Defendants.

This matter is before the Court upon Plaintiffs' objections (Doc. No. 43) to Magistrate Judge Jeffrey J. Keyes's April 11, 2012 Report and Recommendation (Doc. No. 41) insofar as it recommends that: (1) Plaintiffs' Motion to Strike be denied; (2) Plaintiffs' Mandatory Notice of Challenge of Subject Matter Jurisdiction and Ministerial Duty to Remand, construed as a motion to remand, be denied; (3) Defendants' Motion to Dismiss be granted; and (4) this case be dismissed with prejudice. Defendants Federal National Mortgage Association and Saxon Mortgage Services, Inc. filed a response to Plaintiffs' objections on May 4, 2012. (Doc. No. 46.) In their response, Defendants request that the Court adopt the Report and Recommendation in all respects, and that the Court order Plaintiffs to make any future filings, including any appeal of this matter, through an attorney, as a sanction for Plaintiffs' serial filings in this case.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiffs' objections. Plaintiffs object to the Magistrate Judge's Report and Recommendation on several grounds, including the primary ground that the Court lacks jurisdiction. However, after review, the Court concludes that Plaintiffs have not asserted any valid objection to the Report and Recommendation. Instead, the Report and Recommendation is fully supported by law and fact.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiffs' objections (Doc. No. [43]) to Magistrate Judge Jeffrey J. Keyes's April 11, 2012 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Jeffrey J. Keyes's April 11, 2012 Report and Recommendation (Doc. No. [41]) is **ADOPTED**.
3. Plaintiffs' Motion to Strike (Doc. No. [10]) is **DENIED**.
4. Plaintiffs' Mandatory Notice of Challenge of Subject Matter Jurisdiction and Ministerial Duty to Remand (Doc. No. [28]), construed as a motion to remand, is **DENIED**.

5. Defendants' Motion to Dismiss (Doc. No. [3]) is **GRANTED**.

6. Plaintiffs' Motion for Readaction/Seal of Proprietary Documents (Doc. No. [44]) is **DENIED**.

7. This case is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 7, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge